IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

Bail Appl..No. 4821 of 2007(K)

[CRIME NO.227/07 OF IRITTY POLICE STATION]

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PETITIONER/ACCUSED NO.3

K.DHANESH, S/O RADHA, AGED 24 YEARS,
WORKING AS PIGMY DEPOSIT COLLECTION AGENT,
HOUSE BUILDING CO-OPERATIVE SOCIETY,
IRITTY, RESIDING AT DHANYALAYAM,
KEEZHUR AMSOM DESOM, THALASSERY TALUK,
KANNUR DISTRICT.

BY ADV. SRI.R.SURENDRAN

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4821 of 2007

Dated this the 9th day of August 2007

O R D E R

Application for anticipatory bail. The petitioner is the third accused. Altogether there are three accused persons. The crime is registered under Sections 324 and 308 read with 34 I.P.C. The alleged incident took place on 15/7/2007. The case of the prosecution is that the three accused persons acted in furtherance of their common intention, there was a totally unanticipated quarrel consequent to some conduct on the part of the de facto complainant which led to dirty water being splashed. In the course of the wordy altercations, one of the accused persons, that is the first accused, is alleged to have taken out a knife and planted a stab on the de facto complainant. The petitioner, it is alleged, was present along with the other accused at the scene of the crime and after the incident, he had taken away accused 1 and 2 in his motor cycle.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied in the facts and circumstances of this case to which brief reference has already been made that this is an eminently fit case where the petitioner is entitled to invocation of the discretion under Section 438 Cr.P.C.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 16/8/2007.

ii) He shall be released on regular bail on condition that he executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 17/08/2007 and 18/8/2007. Thereafter the petitioner shall make himself available for interrogation on all Mondays and Fridays between 10 a.m and 12 noon for a period of one month and subsequently as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 16/8/2007, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 16/08/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007